REMARKS

Claims 1-10 remain in the application.

Claims 1-10 are herein amended.

In Items 3 and 4 of the Office action, the Examiner rejects claims 7 and 9 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Appropriate corrections are made to claims 7 and 9, whereby the rejection is traversed.

In Item 6 of the Office action, the Examiner rejects claims 1-5 and 10 under 35 U.S.C. 102(e) as being anticipated by Sati.

While not admitting the appropriateness of the 35 U.S.C. 102(e) rejection in terms of dates of invention, the applicants provide below argumentation that identifies technical differences between the subject matter of Sati and that claimed, in order to accelerate prosecution.

Independent claim 1 of the present application describes a method for guiding an operator in altering the femur, which features structural limitations that are clearly absent from Sati. According to claim 1, the current (i.e., real-time) implant insertion in the femur is calculated by tracking an altering tool (e.g., a rasp), and predicting how the femoral implant would fit in the altered femur, using a **digital model** of the femoral implant. More specifically, knowing the geometry and shape of the implant via the digital model, it is possible to virtually calculate the current implant insertion using the tracking of the altering tool the femur and hence current alterations to the femur.

Accordingly, as claimed in claim 1 of the present application, the implant is not physically manipulated during the sequence of the method. Rather, virtual calculation is made using the digital model of the femoral implant, as well as the shape of the surgical tool, which surgical tool is tracked while altering the femur. This reduces the amount of manipulations to see if the femoral implant is suitably inserted.

The Examiner identifies paragraph 40 of Sati as pertaining to a digital model of a femoral implant. The applicants acknowledge that paragraph 40 mentions a model of an implant. However, the statements pertaining to model in Sati should not be taken out of context. Sati states that *"the system 10 also automatically detects implant and/or instrument models, by reading the bar codes carried by the implants."* The sole purpose described for the models is to send information to the supplier's inventory control system to replenish inventory. Accordingly, the expression "*model*" in Sati is a synonym of *"type,"* whereas *"model"* as in claim 1 of the present disclosure is a synonym of *"shape."* It is subsequently mentioned in paragraph 40 that *"the implants carr*[y] *trackers that are used to determine the orientation and position relative to the patient."* This clearly teaches against the subject matter of claim 1, in that the implants are not manipulated according to claim 1, and therefore need not be tracked. By working with a digital model, the tracking is not necessary.

Therefore, as claim 1 clearly has structural limitations that are not taught by Sati, the rejection under 35 U.S.C. 102(e) is deemed to be traversed.

In view of the above amendments and remarks, this application is considered to be in condition for allowance, and early notice to that effect is earnestly solicited.

Respectfully submitted,
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By:

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